

10/09/01  
JC885 U.S. PTO

## PATENT

Customer Number 22,852  
Attorney Docket No. 8636.0001-02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## BOX PATENT APPLICATION

COMMISSIONER FOR PATENTS AND TRADEMARKS

Washington, D.C. 20231

Prior Application Art Unit: 1656 Prior Application Examiner: T. Strzelecka

SIR: This is a request for filing a

Continuation  Continuation-in-Part  Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/721,975 filed November 27, 2000 of Gregory A. HAIR and Scott D. BODEN for NOVEL BONE MINERALIZATION PROTEINS, DNA, VECTORS, EXPRESSION SYSTEMS

1.  Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application no. 09/721,975 as originally filed on November 27, 2000, which is incorporated herein by reference.
2.  Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3.  Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4.  Cancel Claims.
5.  A Preliminary Amendment is enclosed.
6.  The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

| Basic Application Filing Fee                                    |                  |   |       |              | \$740  | \$ 740.00 |
|---|------------------|---|-------|--------------|--------|-----------|
|   | Number of Claims |   | Basic | Extra Claims |        |           |
| Total Claims  | 15               | - | 20    | 0            | x \$18 | 0         |
| Independent Claims  | 2                | - | 3     | 0            | x \$84 | 0         |
| <input type="checkbox"/> Presentation of Multiple Dep. Claim(s) |                  |   |       |              | +\$280 | 0         |
| Subtotal  |                  |   |       |              | \$     | 740.00    |
| Reduction by 1/2 if small entity                                |                  |   |       |              | -      |           |

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|------------------------------|-----------|
| TOTAL APPLICATION FILING FEE | \$ 740.00 |
|------------------------------|-----------|

7.  A check in the amount of \$740.00 to cover the filing fee is enclosed.
8.  The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9.  Amend the specification by inserting before the first line, the following new paragraph:

This is a division of application no. 09/721,975, filed November 27, 2000, which is a continuation of application no. 09/124,238, filed July 29, 1998, issued as U.S. Patent No. 6,300,127 on October 9, 2001, which claims the benefit of provisional application nos. 60/054,219, filed July 30, 1997, and 60/080,407, filed April 2, 1998, which are incorporated herein by reference.

10.  New formal drawings are enclosed.
11.  The prior application is assigned of record to: Emory University
12.  Priority of application Serial No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy

is enclosed or  is on file in the prior application.

13.  Small entity status is appropriate and applies to this application.
14.  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup,

Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A. Manspeizer, Reg. No. 37,540; John Rissman, Reg. No. 33,764; M. Lawrence Oliverio, Reg. No. 30,915; and Therese Hendricks, Reg. No. 30,389.

15.  The power appears in the original declaration of the prior application.
16.  Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
18.  Recognize as associate attorney \_\_\_\_\_
19.  Also enclosed is \_\_\_\_\_

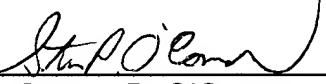
## LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. [Text], filed [Date], for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 9, 2001

By:   
Steven P. O'Connor  
Reg. No. 41,225

TODAY'S DATE: NOVEMBER 9, 2001

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-408-4000